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15 DEC. 2003
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Date d'expédition (jour/mois/année) 08 décembre 2003 (08.12.03)	
Référence du dossier du déposant ou du mandataire SP 19147 PA	NOTIFICATION IMPORTANTE
Demande internationale no PCT/FR02/00124	Date du dépôt international (jour/mois/année) 14 janvier 2002 (14.01.02)
Déposant L'OREAL etc	

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SP 19147 PA	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR02/00124	International filing date (day/month/year) 14 January 2002 (14.01.02)	Priority date (day/month/year) 15 January 2001 (15.01.01)
International Patent Classification (IPC) or national classification and IPC C08G 81/02, C08F 290/02, C08L 53/00, C61K 7 /00		
Applicant L'OREAL		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 9 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24 July 2002 (24.07.02)	Date of completion of this report 10 March 2003 (10.03.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR02/00124

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☒ the international application as originally filed.
- ☒ the description, pages 1-26, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-17, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 02/00124

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-5	YES
	Claims	1, 6-17	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5 929 182 (ZAJACZKOWSKI MICHAEL J) 27 July 1999

D2: US-A-5 730 966 (TORGERSON PETER MARTE ET AL) 24 March 1998

D3: US-A-5 700 873 (STUTZMAN BARBARA A ET AL) 23 December 1997

D4: US-A-6 139 826 (TORGERSON PETER MARTE ET AL) 31 October 2000

D5: US-A-4 521 404 (LORENZ DONALD H ET AL) 4 June 1985

D6: EP-A-0 629 649 (SOFITECH NV) 21 December 1994

D7: US-A-6 159 457 (MOUGIN NATHALIE) 12 December 2000

D8: US-A-5 736 128 (CHAUDHURI RATAN K ET AL) 7 April 1998

1. PCT Article 33(2)

- 1.1 D5 describes **block** copolymers as claimed in claim 1, suitable for use in the field of **cosmetics**, and containing **65** to 80 wt % of N-vinylcaprolactam (see column 3, line 49 to column 4, line 8).

Therefore, D5 deprives the subject matter of **claims 1, 7 and 9 to 17** of novelty.

- 1.2 D8 relates to copolymers including N-vinyl-caprolactam suitable for incorporation into cosmetic compositions. The monomers can be incorporated by grafting or as blocks (see column 2, lines 24-60, particularly lines 61-63). These copolymers can also be cross-linked (see column 3, lines 15-20).

It follows that document D8 deprives the subject matter of **claims 1 and 6 to 17** of novelty.

- 1.3 The subject matter of **claims 2 to 5** is novel over the prior art cited in the international search report.

PCT Article 33(3)

D8 is considered to be the closest prior art and describes a graft polymer from which the one forming the subject matter of claim 2 differs by virtue of the type of monomers constituting the backbone thereof.

The problem that the present invention is intended to solve can thus be considered to be that of providing an alternative graft polymer of which the backbone consists of water-soluble units and has grafts consisting of N-vinylcaprolactam homopolymers.

A person skilled in the art faced with the above-mentioned technical problem would have been led to

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 02/00124

select an acrylic acid homopolymer as the graft polymer backbone (see column 2, line 24 to column 3, line 20).

Combining all of the features set forth in claim 2 is thus a routine technical measure for a person skilled in the art to take. It follows that the subject matter of **claim 2** does not involve an inventive step (PCT Article 33(3)).

Dependent claims 3 to 5 do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of inventive step of the PCT.

3. **PCT Article 33(4)**

The subject matter of **claims 1 to 17** is industrially applicable.